

APPROVED: Meeting No. 30-82

ATTEST:

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
MEETING NO. 27-82

July 12, 1982

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, July 12, 1982, at 8:00 p.m.

PRESENT

Mayor John R. Freeland

Councilman Steve Abrams

Councilman Douglas Duncan

Councilwoman Viola Hoysephian

Councilman John Tyner

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Clerk Helen Heneghan; Assistant City Manager Daniel Hobbs; City Attorney Paul Glasgow; Information Officer Sue M. Patterson; Director of Finance John Lawton; Director of Recreation and Parks Ronald Olson; Director of Community Development and Housing Assistance Douglas Horne.

Re: City Manager's Report

Mr. Blick reported the following:

1. He gave the Council an update on the Montgomery County Cable Television activities. Last Tuesday, the Committee voted its recommendation. First was Tribune United, second was Times Mirror, three was ViaCom, fourth was First County Cable. Mr. Zuckman, the City's representative, voted this way. The Committee will meet again tomorrow for a final report. The next step is for Mr. Hansman to make his report to the County Executive incorporating the Committee's recommendations. It will be reviewed by a three member panel and the County Executive will make his decision in early August. It is expected that the County Council will approve a franchise in mid-September. This seems optimistic.

2. The poles and pedestals are in place for the Park Road signal installation. The heads have not arrived yet. To correct the problems at Monroe Street, oversized stop signs have been installed and stop bars and the word stop has been painted on the street. The Traffic & Transportation Commission will report on this to the Mayor and Council next week.

3. Last Wednesday, a meeting was held with PTAs to get their recommendations for a resolution to create an advisory board on education. Mayor Freeland and Councilman Duncan spoke to the group who agreed the idea is one that is worthwhile.

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Based on the comments made that evening, a draft resolution will be submitted to the Council and reviewed. It can then be sent to the various PTAs and a public hearing held if the Mayor and Council wish.

Mayor Freeland said the City did one of its finest shows on July 4th. Anyone who attended had to enjoy the occasion. Not only the fireworks but the other activities that took place. The staff, under Mr. Ron Olson's direction, did a superb job and on behalf of the Council, he would like to publicly recognize them for their work. Even though a minor mishap occurred, it was a tremendous evening. Mr. Freeland also thanked Mr. Chou a local businessman, who felt it was business' responsibility to help make Rockville a better place and contributed to the cost of the fireworks.

Re: Appointments

Mayor Freeland made the following appointment that was confirmed by the Council:

Human Rights Commission: James Coyle - four-year appointment
244 Watts Branch Parkway

Mayor Freeland read Mr. Coyle's credentials and thanked him for his interest in the City.

Re: Citizen's Forum

The Mayor opened the meeting to those citizen's who wished to address the Mayor and Council:

1. Stuart Stahler, 188 Hardy Place and Paul Steckler, 186 Hardy Place. The gentlemen addressed the Mayor and Council concerning the Wintergreen Shopping Center. They say there is a good deal of noise there 24 hours a day. Trucks can be heard all hours of the night either making deliveries or picking up trash. A quiet hour should definitely be observed. They asked the City's help by sending a letter asking for a break on weekends and holidays. The Mayor asked the City Manager to write to Mr. Baier and ask his cooperation. He also asked that a copy of the letter be sent to the neighbors. Mr. Stahler and Mr. Steckler referenced the landscaping at the shopping center which had to be reviewed by the Planning Commission. They attended the Planning Commission meeting last week and retold an incident that occurred at the meeting when the Planning Commission had to review a request for a sign. In this review the Planning Commission adhered to the letter of the law and turned down the sign request; however, when reviewing the landscaping plans at Wintergreen, they seemed to make many allowances that would save money to the developer. At one time, there was a large buffer between

the residences and the shopping center, but the Planning Commission approved a slough off of 7,000 square feet from the buffer. The Mayor told the citizens that the City Manager would look into the allegations made this evening and get back to them with all the information.

2. George Pospisil, 915 Crawford Drive, Mr. Pospisil said he spoke to the Council two weeks ago about the nuclear freeze and forwarded Mayor Abbott's Resolution to the Council. He asked for action on Rockville's part to a nuclear ban and a public hearing on the crisis relocation plan. He introduced several people present in the audience who were in agreement with him. Mayor Freeland thanked Mr. Pospisil for coming this evening and said this item will be appearing on the agenda later in the evening.

3. Dov Krimgold, 507 Nelson Street. Mr. Krimgold spoke to the Council on the nuclear freeze. He said he hoped the Mayor and Council will follow other jurisdictions and reject the outrageous evacuation proposal and support the freeze resolution. He noted that a reduction in spendable dollars will occur if too much is spent on arms and armament. It will force people to reduce their standards of living.

4. Howard Silberstein, 2008 Dundee Road. Mr. Silberstein asked Councilman Abrams to tender his resignation as a City Councilmember since he is going to run for higher office. He cited Mrs. Spencer's recent resignation from the Board of Education. She said you could not run for office on a part time basis. Since the City Council is a full time job, he felt Mr. Abrams should follow Mrs. Spencer's lead. Mayor Freeland told Mr. Silberstein he has given the matter careful thought. The Charter does not address the situation and evidently people have felt it was not necessary. Mr. Abrams has recently taken a four month's leave of absence from his full time employment and it is the Mayor's feeling that Councilman Abrams is free to do as he sees fit. If the Mayor felt that Councilman Abrams was shirking his councilmanic duties or putting the City in a precarious position, he would take action, but as long as Councilman Abrams keeps his two endeavors far apart, the Mayor personally has no difficulties. It would seem that Councilman Abrams is maintaining his commitment to the City and he is assured if the citizen's do not agree to that, they as individuals, will let Councilman Abrams know, but the Mayor is not concerned with it and does not feel discussion has a place in this Council Chamber any longer.

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5. Carole Tanyer Cohen, 1707 Farragut Avenue, Miss Tanyer told the Council that the Twinbrook neighborhood is working on the neighborhood watch program with Police, specifically Officer Grasso. An incident occurred in her neighborhood last week that might discourage participation. When the police were called and when the Montgomery County Police arrived on the scene, it was more or less a false alarm. The people were told they should not have called. Mayor Freeland said he is sure that mistakes can be made when a program is beginning and he hopes it will not be repeated. He asked that the City Manager make the matter known to the City police and the County police and explain the program.

6. Ruth Hannesian of the Animal Exchange, Ritchie Center. Ms. Hannesian addressed the Council and outlined the problems with groups of young people gathering in the parking lot. She told them of a package that she found outside of her store which three people have attempted to claim. Because of that, she brought the package which she appropriated to the Council Chamber and asked that the Council decide its disposition. She said the beer parties in the lot are a nuisance and a danger. Councilman Tyner asked if Ms. Hannesian had seen any improvement or cooperation from the owner or the management of the shopping center. Ms. Hannesian said no. The Mayor said that the City Manager will be in touch with Ms. Hannesian to see what can be worked out with police patrols.

There being no other citizen wishing to address the Mayor and Council, the citizen's forum portion of the meeting was closed.

Re: Public Hearing:
Residential Townhouse
Application, RTH-2-82,
W-B Joint Venture,
Buchanan Company, Applicant,
requesting the approval
of 59 townhouse units to
be constructed on the land
bordered by Washington
Street, Monroe Street,
Argyle Street and an
unimproved section of
Mt. Vernon Place, and
presently zoned, R-90
Residential Zoning

The Mayor and Council conducted a public hearing on Residential Townhouse Application, RTH-2-82, Buchanan Company, Applicant, and heard those persons as will be found in the official stenographic transcript of the hearing. There

being no other citizen wishing to be heard, the Mayor closed the public hearing and announced that the record will be held open for two weeks.

Re: Approval of request for
water and sewer extensions
and waiver of public hearing -
CEBCQ, Inc., New Mark Commons

Cebco, Inc., owner of a 3-acre tract of land located on New Mark Esplanade in New Mark Commons, proposes a resubdivision to create lots for 13 townhouses. Their preliminary plan has been approved by the Planning Commission. They have requested the City install the public water and sewer system.

This request and waiver is the standard City form used by developers to request public water and sewer project authorization, waive their right to a formal public hearing and grant the City the right to levy a special assessment against each benefitting property for a proportionate share of the project costs, which are estimated to be \$48,000, exclusive of bond interest charges.

The project was in the processing stage of the City planning requirements and for this reason was exempted by the Mayor and Council when they adopted a new policy position in October 1982, under which the City will no longer accept applications for special assessment water and sewer projects.

On motion of Councilman Tyner, duly seconded and unanimously passed, the water and sewer special assessment was authorized and the Council agreed to waiver of public hearing.

Re: Award of Contract: Bid No.
1-83, Refuse Collection
Service to City-owned buildings

This contract for Refuse Collection Service represents placement, collection, and maintenance of trash containers for two distinct groupings - Group A, Municipal Locations: 18 sites totaling 82 cubic yards (examples: City Hall, Civic Center, Municipal Swim Center, Montrose Recreation Center, etc.); Group B Rockville Housing Authority: 11 sites totaling 88 cubic yards for all locations in the housing sections. These two groupings were consolidated into one contract to help bring down costs and centralize supervision.

Bids were opened in the Boards and Commissions Room, July 1, 1982, at 2:00 p.m. There were 35 proposals sent out. The bids received were as follows:

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	<u>Group A</u>	<u>Group B</u>	<u>Total</u>
United Disposal Corp. Gaithersburg, Maryland	\$17,950.00	\$18,980.00	\$36,930.00
Browning-Ferris, Inc. Capitol Heights	22,754.24	20,857.72	43,611.96
Titus Trash Servicing, Inc. Dickerson	17,973.76	30,750.72	48,724.48

In addition to the bids for the forthcoming 12-month period, the contract also provides for an option of an additional two more years.

On motion of Councilman Tyner, duly seconded and unanimously passed, Bid No. 1-83, refuse collection service, was awarded to United Disposal Corporation, in the amount of \$36,930.00 with the option of extending an additional two years subject to changes that may occur in Montgomery County's disposal fee rate policy or other considerations.

Re: Decision: Installation of
safety island on North
Washington Street at Dawson
Avenue

Earlier this year both the staff and Traffic & Transportation Commission considered augmenting traffic controls at North Washington/Dawson in an effort to reduce the reported risk to the elderly crossing North Washington at Dawson Avenue. Traffic warrants at this intersection were only 40 percent of those needed by a traffic signal and it appeared that something other than a traffic signal was appropriate at this intersection. Further, the existing Giant Parking lot driveway interfered with a traffic signalized intersection and it appeared that an incremental approach to traffic safety was in order. First step was warning signs for pedestrian crosswalk. Second, a painted traffic island appeared to be in order to help delineate a mid-street refuge for pedestrians. Third, a concrete island would be installed as a mid-street refuge. Finally, a traffic signal would be installed if there was no reduction in pedestrian hazards.

Staff recommends that since the only value of the concrete island would be for safety benefits during the five months it would be installed ahead of the traffic signal, that the concrete island should not be installed, saving an expenditure of \$6,000 on the island, and that the traffic signal should be installed with a planned date of installation of January, 1983.

Councilman Duncan said he is concerned as to what will happen until a light is in place. He asked if thought has been given to a temporary safety island. Mr. Cutro said the staff is looking into that now, but it will be very hard to remove. Mayor Freeland suggested that the City Manager look into someone to help the people crossing such as a crossing guard type. He asked that a report come back to the Council on this. Councilman Abrams suggested that the staff look at other solutions other than to the police. Mayor Freeland asked that the Council not attempt to identify the solution this evening but ask the staff to do that and come back with a recommendation to the Council.

On motion of Councilman Abrams, duly seconded and unanimously passed, the decision was made by the Council to delete the safety island.

Re: Adjustment of fee to Ward &
Hall Associates for design
of addition to City Hall

In October of 1978, after receiving Mayor and Council approval, City staff negotiated a contract with Ward and Hall for \$70,000. This amount represented 4.9 percent of the anticipated construction cost of \$1,433,000 for a 27,000 square foot addition.

During subsequent design discussions with the Mayor and Council, the decision was made to construct a 3 sided wrap-around extension of the old City Hall, instead of a new, separate addition as described in the original project description.

In the fall of 1980, the Mayor and Council awarded the construction contract for a 34,000 square foot wrap-around extension costing \$2,515,000. While staff have been aware of the architect's concern for a fee adjustment for some time, they believed it best to discuss the matter after the completion of the building.

The City Manager recommends that the architectural fee to Ward and Hall for the City Hall addition should be increased \$53,235 to reflect the true increased scope of the project, since Ward and Hall provided extremely responsive service to the City during the project, resulting in an outstanding building.

Councilman Tyner asked why, since the architect had requested \$58,000, the staff is suggesting \$53,235. The City Manager said that the \$53,235 is a 4.9 percent fee, the same percentage as that originally negotiated at the original budgeted cost of City Hall.

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Councilman Tyner moved, duly seconded and unanimously passed by the Council, that the architectural fee be increased by \$58,000 since this is the price the architect requested to cover his cost.

Re: Authorization for City
Manager to contract for
utility adjustments on
Veirs Mill Road

The City Manager explained that this item inadvertently was placed on the agenda and required no consideration by the Council. Councilwoman Hovsepian asked that the City Manager contact the State Highway Administration and ask for curb improvements on the side of Veirs Mill Road that is not undergoing construction. Councilman Tyner asked the City Manager to see if any communication had been received by the residents of Veirs Mill Road concerning a realignment and new entrance to their property.

Re: Adoption of Mayor and Council
position on nuclear arms

Councilman Tyner distributed information to the Council on a nuclear freeze including a copy of the Garrett Park ballot which had a referendum on the subject. He suggested it might be the mood of the Council to take a position, whether it be to work with the County Council and share their stand or go the Garrett Park solution. He suggested that the Council separate the discussion of the freeze from the crisis relocation question. A third item, which should be handled is the City's position at the COG Board.

Councilwoman Hovsepian said she is not prepared to discuss the relocation this evening. She has been provided with no information on the subject, but if a choice is made she would prefer to go along with the Montgomery County stance since Rockville is the County seat.

Councilman Abrams told the Council he has prepared a resolution for possible adoption this evening that recognizes the national movement and is a clear expression and desire to halt the arms race bilaterally. It includes all the aspects of mutual, verifiable and rapid negotiations. He suggested the Council might wish to hold it over for a vote next week.

Councilman Tyner said he can go along with this resolution since it very nicely reaches all the points that should be covered.

Councilman Duncan said he plans to vote against the resolution. He does not feel qualified to make any decision on nuclear arms. He would prefer to

forward any correspondence the Council receives to the United States Congress for action since he does not feel it is the Mayor and Council's prerogative, nor that of any municipal government, but the prerogative of those public officials elected in that role nationally to decide foreign policy.

Councilwoman Hovsepien said she has no problem with passing the resolution since it only encourages the Congress and the United States.

Mayor Freeland said the Mayor and Council have heard from very few people on such a broad scope matter. It might be a good idea to hold a public hearing in order to engage public feeling. Councilman Abrams said he agrees in principle however this is not a new issue and it has been discussed previously. He is quiet comfortable with passing it this evening. Councilman Tyner agreed with Councilman Abrams and reiterated that it is not a new issue. He said he had talked to the City of Gaithersburg. They took a position that as a Mayor and Council there is nothing they could do, but as individuals, they might act. He said he has no objection to holding the matter over for a public hearing, but he would like to include crisis relocation and disclosure. Councilman Duncan agreed that it is a matter of conscience. He repeated his statement that it is not a matter for a city government. He added that he would go along with a public hearing so that all segments of the community could be heard on the matter. Councilman Abrams suggested separating the issues of disarmament and crisis relocation at a public hearing. Mayor Freeland agreed and suggested due to summer vacations and the necessity to get the information to the people that the thirty day's notice be given. He suggested the hearing be held August 23. It was the feeling of Councilman Abrams that the resolution should be passed this evening. He so moved, duly seconded. The motion failed, Councilmembers Abrams and Tyner voting aye, Mayor Freeland and Councilmembers Duncan and Hovsepien voting nay.

Councilman Abrams moved, duly seconded, that a public hearing be held on July 26. Councilman Duncan disagreed saying it is not enough time to inform the citizens and he does not like to set a precedent of setting a public hearing less than 30 days so that citizens do not have proper notice or enough time to get the materials. Mayor Freeland agreed and said there are many others that think there should be reasonable input on a decision. Garrett Park thought enough to hold a referendum. He said he thinks 30 day's timeframe should be used to allow people to prepare their remarks. Councilman Abrams disagreed. He said this is judgment. There is a place for common sense in setting public hearings. The public needs time on zoning matters to formulate a response. He said in this particular matter there

is no grace period needed, just a reasonable time for people to come forward. Mayor Freeland said it is not giving a great deal of time in order to allow people to take a position, it is extending the time to let people know that the City is taking a position. If it were simply a matter of judgment, that would be fine, but using judgment, the Mayor and Council just voted the resolution down.

Councilman Abrams' motion to hold a hearing on July 26 passed, Councilmembers Abrams, Tyner and Hovsepien voting aye and Mayor Freeland and Councilman Duncan voting nay.

Councilman Abrams moved, duly seconded, that a public hearing on crisis relocation be held on August 23 conditioned on the staff getting all the information it needs. The City Manager noted there could be a good deal of business piled up after the Council's recess and holding public hearings on August 16 and on August 23 might make it difficult. He suggested holding the relocation hearing in September. Councilwoman Hovsepien agreed and said she would like to see it held in early September. Mayor Freeland asked Councilman Abrams if he would amend his motion leaving the date open for the hearing and letting the City Manager decide the best date once the information becomes available. Councilman Abrams and Councilman Tyner who seconded the motion, agreed to the amendment to call for a public hearing on crisis relocation, which date will be set by the City Manager when the information becomes available. The motion passed unanimously.

Re: Review of legislative action
requests for Maryland Municipal
League's legislative program

The following Legislative Action Requests have been proposed by City departments for submission to the Maryland Municipal League's Legislative Action Committee for the 1983 session of the Maryland General Assembly. Mayor and Council review is requested. The deadline for submission of these requests is July 19, 1982.

1. Enclave Annexation

It is proposed that municipalities be able to annex unincorporated areas which are within municipal boundaries, without the usual referendum requirements. These "tax islands" receive some of the benefits of Rockville services, without the property tax obligation. These areas, which total 27.38 acres in Rockville, would generate \$16,043 in tax revenues if they were a part of Rockville.

2. Mandatory Review Authority of Public Facilities and Uses.

This proposed legislation would up-date and expand on the mandatory review authority already extended to local planning commissions in order to insure that a proposed public action to reuse, change, or alter an existing public use or building is consistent with the duly adopted, local land use plan and legislative policies.

This minor addition to the existing statute (66B) would simply recognize that with the passage of time, public facilities and uses can become obsolete, underutilized, operationally uneconomical and a drain on the public treasury. When an adaptive reuse is sought, it should be considered in light of the local land use plan. A finding of consistency with a duly adopted master plan would strengthen the existing process and assist in the identification of a public reuse that is consistent with local land use and development policies.

The above would include actions by a County school board and County government which is engaged in school closings and school reuses.

3. Municipal Share of Traffic Ticket Revenues.

It is proposed that local governments receive a 50 percent share of revenues collected from state traffic violations issued within local government boundaries. These revenues would be used to offset the costs involved in issuing the violations (e.g., time and training of officers, etc.).

4. Art Exemption from the State Performance and Payment Bond Law.

If "construction projects" were redefined in the State Performance and Payment Bond Law to exclude art, artists commissioned by a municipality would no longer have to obtain performance and payment bonds when the project is over \$25,000. At this time, artists are having difficulties obtaining these bonds from private companies.

The Mayor and Council made no changes to the list submitted by the staff and agreed to it.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. Twinbrook Citizens Association, re thank you for assistance
2. F. Russell Hoyt, re use of Stop signs
3. N. Nolan re complaint about ticketing
4. Senator Sarbanes, re UMTA grant for van for the handicapped
5. Congressman Barnes, re Rollins Post Office

6. Isaac Kim, re Maryvale School

Councilman Duncan asked the status on the Maryvale project. The City Manager said the County is still awaiting an opinion from the Board of Public Works as to the definition of public use.

7. MML information sheet and bill for 1983 dues.

Councilwoman Hovsepien explained the fee schedule to the audience and the reason the City pays \$13,000 annually to the MML.

Re: Information Items

The Mayor and Council noted the following items of information:

1. Memo from department of Planning re Lincoln Park/Maryvale petition for Ride-on Bus

Councilwoman Hovsepien noted she is glad the City is taking action in this matter.

2. Memo from Public Works Department re speeding on Monroe Street at Green Pasture

3. Memo from CDHA re grievance procedure at RHA
Memo from CDHA re improvements at RHA

Councilman Tyner said he has completed his meetings with the Rockville Housing Authority and its staff and will be getting a report back to the Council after he holds his meeting with the Human Rights Commission which will be some time after the summer recess.

4. Current project list from Recreation and Parks Department

5. Memo from Traffic and Transportation Commission re Mall ramps

6. Copy of letter to Attorney General from Delegate Forehand re Maryvale School

7. Letter complimenting City employee

8. Lantern, Potomac Woods newsletter

9. Senior Center bulletin

10. Status of major activities in City Manager's office

11. Preliminary agenda for work session with Planning and Traffic & Transportation Commissions

Councilwoman Hovsepien read the agenda for this work session on Monday night. Councilman Tyner noted that the Mayor has had a change in plans and because of his work schedule, he will be called out of the City to the west coast. He suggested the entire Council should be present for such an important meeting with the Planning Commission and Traffic & Transportation Commission. He asked that it be postponed. The Council agreed to hold it on Wednesday, July 21, at 8:00 p.m.

Re: New Business

1. Councilwoman Hovsepien expressed her concern with the closing of the Safeway in the Woodley Gardens area. She regretted there is nothing the City can do to forestall this but she wished there were some way the City could use its

good offices to encourage a convenience store to locate. She asked the City Manager if he had written any letters. The City Manager said he is planning to write Safeway and ask. Since they control the lease, they might consider putting in a convenience store in the neighborhood. Councilman Abrams asked the status of the A&P property in College Gardens. He asked the staff explore the Anne Arundle County positive program they used to relocate stores when closings occur. Councilman Tyner suggested that the City's concerns be addressed to the Chamber of Commerce and Economic Development Council.

2. Councilwoman Hovsepien asked when the demolition of the Woolworth Building would occur. Mr. Horne said the contractor is having a problem with his performance bond, but it should be soon.

3. Councilman Abrams asked the status of the modular incinerator study he had requested from the staff. The City Manager said the director of Public Works is doing it. Councilman Abrams requested that the Council be kept current on the progress.

Re: Approval of Minutes

On motion of Councilwoman Hovsepien, duly seconded and unanimously passed, the Minutes of Meeting No. 21-82, May 25, 1982, were approved as written.

On motion of Councilman Duncan, duly seconded and unanimously passed, the Minutes of Meeting No. 22-82, June 1, 1982, were approved as amended.

On motion of Councilman Duncan, duly seconded and unanimously passed, the Minutes of Meeting No. 23-82, June 7, 1982, were approved as amended.

On motion of Councilman Abrams, duly seconded and unanimously passed, the Minutes of Meeting No. 24-82, June 14, 1982, were approved as written.

Re: Executive Session

There being no further business to come before the Council in general session, the meeting was closed for executive session to discuss land disposition.

Re: Adjournment

There being no further business to come before the Council in executive session, the meeting was adjourned at 1:00 a.m. to convene again in general session on Monday, July 19, 1982, at 8:00 p.m. or at the call of the Mayor.